

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES A. WILSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-399-JJF
)	
STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

STATE DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

COME NOW Defendants, by and through undersigned counsel, and respectfully moves this Honorable Court to enter an Order granting an enlargement of fifteen days within which to file a Reply to Plaintiff's motion to amend his complaint. In support of this motion, Defendants offer the following:

1. On October 24, 2005, Plaintiffs filed their Second Amended Complaint. (D.I. 24).
2. Between January 10, 2006 and January 17, 2006, Defendants signed and returned Waivers of Service with an answer due on December 19, 2005. (D. I. 43-47, 50).
3. Defendants responded with a Motion to Dismiss on April 18, 2006. (D.I. 80).
4. Defense counsel anticipated being able to file a reply by May 12, 2006. Plaintiff makes new allegations and Defendants do not have sufficient information to respond at this time. Defendants have requested information in order to respond appropriately.
5. There is no trial date scheduled in this case.
6. Defendants anticipate being able to file their Reply by May 26, 2006.

WHEREFORE, for the reasons stated herein, Defendants respectfully requests that the Court grant their Motion for Enlargement of Time and enter an order in the form attached hereto,

with the appropriate dates provided at the Court's discretion.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barchi@state.de.us

Date: May 12, 2005

Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT
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JAMES A. WILSON, et al.,)	
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)	
v.)	C.A. No. 05-399-JJF
)	
STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

ORDER

This _____ day of _____, 2006,

WHEREAS, Defendants having requested an enlargement of time of fifteen days in which to file an answer; and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that State Defendant's Motion for Enlargement of Time be granted and said Defendants shall file a reply brief on or before _____.

Joseph J. Farnan, Jr.
United States District Court Judge

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)	
Defendants.)	

16.5 CERTIFICATE OF COUNSEL

In compliance with Local Rule of Civil Procedure 16.5, counsel for the Defendants making the request for enlargement of time to file a reply brief files this Certificate and states:

I certify that the State Defendants have been provided with copies of the Motion for Enlargement of Time and that service has been sent by regular mail.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barchi@state.de.us
Attorney for Defendants

Date: May 12, 2006

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)	
Defendants.)	

7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. The plaintiffs are an inmate incarcerated in the Delaware Correctional system, at the Sussex Correctional Center, in Georgetown, Delaware.
2. Since the plaintiffs are not able to be reached by telephone, counsel for Defendants has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.
3. She assumes that the motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barchi@state.de.us

Date: May 12, 2006

Attorney for Defendants

CERTIFICATE OF MAILING AND/OR DELIVERY

I hereby certify that on May 12, 2006 I electronically filed *Defendants'*
Motion for Enlargement of Time with the Clerk of Court using CM/ECF. I have mailed by
United States Postal Service, the document to the following non-registered participants:

Eldon Potts, Inmate
SBI # 211193
Sussex Correctional Institution
Post Office Box 500
Georgetown, DE 19947

George A. Jackson, Inmate
SBI # 171250
Sussex Correctional Institution
Post Office Box 500
Georgetown, DE 19947

Frank Williams, Inmate
SBI # 261867
Sussex Correctional Institution
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Jerome Green, Inmate
SBI # 147772
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Post Office Box 500
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Howard Parker, Inmate
SBI # 165324
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**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi

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Attorney for Defendants